

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:05 CV 326**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,**

**Plaintiff,**

**v.**

**PAUL JUNIOUS WHITEHEAD, II**

**Defendant.**


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**ORDER**

**THIS MATTER IS BEFORE THE COURT** *sua sponte* as to the status of this case. The undersigned notes that the Plaintiff filed a "Complaint" (Document No. 1) on July 19, 2005, and that since that date there has been no proof of service of process on Defendant Paul Junious Whitehead, II. On April 6, 2007, the Clerk of Court sent Plaintiff a Notice of Lack of Prosecution (Document No. 15) advising the Plaintiff "[i]f proof of service of process or waiver of service is not filed within **20 days** of this notice could result in this matter being dismissed for failure to prosecute." Plaintiff has failed to respond.

**IT IS, THEREFORE, ORDERED** that this case be **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Signed: May 7, 2007

  
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David C. Keesler  
United States Magistrate Judge



